**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929**

**WP(C).No. 26902 of 2007(C)**

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**AGAINST THE ORDER IN EA.2258/06 IN EP.69/05 IN OS.659/1999 of II ADDL.SUB COURT,THRISSUR**

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**PETITIONER:**

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**E.P.VARGHESE, VETERINARY DOCTOR,**
**S/O.ERINCHERI E.D. PAILUNNI**
**RESIDING AT GOVT. QUARTERS,**
**AYYANTHOLE VILLAGE-DESOM**
**THRISSUR TALUK**

**BY ADV. SRI.P.K.SAJEEV**

**RESPONDENTS:**

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1. **M/S.BRIGHT CREDITS AND REAL ESTATE (P) LTD., THRISSUR-68001, REPRESENTED BY ITS CHAIRMAN.**

2. **T.I.MOHANAN, VETERINARY DOCTOR S/O.THAYYIL ITTY, RESIDING AT GOVT. QUARTERS, AYYANTHOLE VILLAGE-DESOM, THRISSUR TALUK**

**BY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

*KSS*

**M.N.KRISHNAN, J**

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**W.P.(C) No. 26902 OF 2007**

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**Dated this the 10th day of September 2007**

**JUDGMENT**

This writ petition is filed to set aside the order dated 25.1.2007 in E.P.No.69 of 1996 in O.S.No.659 of 1999 of the Sub Court, Thrissur issuing warrant of arrest against the petitioner and the 2nd respondent. A perusal of the order produced before this court would reveal that the warrant of arrest was ordered against the judgment debtors on 1.9.2006, i.e. by detention of judgment debtors 1 and 4 in civil prison. Now the petition is filed by the 3rd respondent in the E.A. A perusal of the order would further reveal that Exts.A1 to A3 were produced and the decree holder was examined to prove the means. Judgment debtors did not adduce any evidence except the contention that they are prepared to pay at the rate of Rs.500/- per month for the decree debt which comes to almost Rs.8 lakhs.

Therefore, I do not find any merit in the writ petition at all and therefore the same is dismissed. But, I make it clear that when he is brought under arrest or he appears before court and makes a reasonable payment to the satisfaction of the decree holder, the court can always use its discretion

in granting some time before sending him to jail.

**M.N.KRISHNAN, JUDGE**

**Cdp/-**